CF/1001 (3) (1)

BEFORE THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. NO.2855 / 2005 (S.B.)

PETITIONER : M.P. Rathore, aged about 50 years, S/o Rupnarayan Rathore, R/o Laxmipur, P. O. & Distt. Raigarh (C.G.)

VERSUS

RESPONDENTS :1. State of Chhattisgarh, through Secretary, Department of Revenue, Mantralaya, D.K.S. Bhawan, Po & Distt. Raipur (C.G.)

2. The Collector, Raigarh, P. O. & Distt. Raigarh (C.G.)

3. Shri S.K. Dewangan, Deputy Collector cum-Enquiry Officer, Po. & Distt. Raigarh (C.G.)

P.R. No. 2955/05 Presented by Shri Rajesh Khire dated 29/7/05

PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION – FOR ISSUANCE OF WRIT OF CERTIORARI AND MANDAMUS AND ANY OTHER WRIT / DIRECTION / ORDER.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. No. 2855/ **सन् 200**5

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	08.07.2005 Mr. B.R. Ghosh, learned counsel for the petitioner. Mr. Arun Sao, learned Dy. Government Advocate for the State of Chhattisgarh / respondents 1 & 2. Heard. The petitioner was working as Revenue Inspector. He was one of the Member of the Committee for allotment of land to the eligible persons under Rajiv Gandhi Ashray Yojna, 2002. A piece of land was allotted to one Rajhesh Kumar Rathore. A departmental inquiry was initiated against the petitioner and charge sheet was issued to the petitioner on the following charges: (1) You were member of the Survey Committee of the Rajiv Gandhi Ashray Yojna, 2002 and in the capacity of member of the said Committee, you have allotted land to Shri Raiesh Kumar Rathore illegally when as per government instructions he was not eligible for allotment of land in Revenue Case No.159/B-121/02-03 pending in the Court of Sub Divisional Officer, Raigarh. (2) You have recommended for allotment of a land to Shri Punil Lal s/o. Malaram Satnami illegally by suppressing facts of the nature of the land in Revenue Case No.153/B-121/02-03 pending in the Court of Sub Divisional Officer, Raigarh. Subsequently, a departmental enquiry was initiated on the above stated charges. The petitioner has filed this petition under	

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. No. 2855 **सन् 2005**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Article 226 of the Constitution of India challenging the enquiry and seeking a direction to change the Enquiry Officer.

After having heard learned counsel for the parties and on perusal of the records, I am of the view that at this stage when the departmental enquiry has been initiated, this Court should not interfere with the charges when the charges are yet to be proved by adducing evidence. The Supreme Court in **State of Punjab & Others vs. Ajit Singh** reported in **(1997) 11 SCC 368** has held that it is not proper to exercise writ jurisdiction of the High Court at the stage of charge sheet when the charges are yet to be proved by adducing evidence.

In view of the foregoing, the petition is dismissed.

Consequently, I.A.No.5619 of 2005 and M.(W).P.No. 2369 of 2005 stand disposed of.

No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Sarma

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